

CCRB INVESTIGATIVE RECOMMENDATION

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|---|--|---------------------------|--|---|---------------------------------|
| Investigator: Jacqueline Levy(F) | Team: Team # 1 | CCRB Case #: 201402475 | <input type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Wednesday, 01/22/2014 12:30 PM, Saturday, 02/01/2014 12:00 AM, Thursday, 02/13/2014 12:00 AM, Tuesday, 02/25/2014 12:00 AM | Location of Incident: § 87(2)(b) 86th Street and Bay 17th Street | 18 Mo. SOL 7/22/2015 | Precinct: 62 | | |
| Date/Time CV Reported Fri, 03/14/2014 10:59 AM | CV Reported At: CCRB | How CV Reported: Phone | Date/Time Received at CCRB Fri, 03/14/2014 10:59 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
| | | |
| | | |

| Witness(es) | Home Address |
|-------------|--------------|
| | |

| Subject Officer(s) | Shield | TaxID | Command |
|----------------------------|--------|--------|---------|
| 1. POM Anthony Chow | 02566 | 944437 | 062 PCT |
| 2. SGT Daniel Watson | 03583 | 942690 | 062 PCT |
| 3. POM Louis Capobianco | 11416 | 948741 | 062 PCT |
| 4. POF Yekaterina Sverdlna | 07926 | 948140 | 062 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|------------------------|---|-----------------------------|
| A.POM Anthony Chow | Abuse: On January 22, 2014, at § 87(2)(b) in Brooklyn, and on an unknown date in February 2014, at 86th Street and Bay 17th Street in Brooklyn, PO Anthony Chow searched § 87(2)(b) | |
| B.SGT Daniel Watson | Abuse: On January 22, 2014, at § 87(2)(b) in Brooklyn, Sgt. Daniel Watson stopped § 87(2)(b) | |
| C.SGT Daniel Watson | Discourtesy: On January 22, 2014, at § 87(2)(b) in Brooklyn, and on an unknown date in February 2014, at 86th Street and Bay 17th Street in Brooklyn, Sgt. Daniel Watson spoke discourteously to § 87(2)(b) | |
| D.POM Louis Capobianco | Discourtesy: On January 22, 2014, at § 87(2)(b) in Brooklyn, PO Louis Capobianco spoke discourteously to § 87(2)(b) | |
| E.SGT Daniel Watson | Abuse: On January 22, 2014, at § 87(2)(b) in Brooklyn, Sgt. Daniel Watson frisked § 87(2)(b) | |
| F.SGT Daniel Watson | Abuse: On January 22, 2014, at § 87(2)(b) in Brooklyn, Sgt. Daniel Watson searched § 87(2)(b) | |
| G.SGT Daniel Watson | Abuse: On January 22, 2014, at § 87(2)(b) in Brooklyn, Sgt. Daniel Watson searched § 87(2)(b) s car. | |
| H.POM Louis Capobianco | Discourtesy: On January 22, 2014, at § 87(2)(b) in Brooklyn, PO Louis Capobianco acted discourteously toward § 87(2)(b) | |

| Officer(s) | Allegation | Investigator Recommendation |
|----------------------|--|-----------------------------|
| I.SGT Daniel Watson | Abuse: On an unknown date in February 2014, at 86th Street and Bay 17th Street in Brooklyn, Sgt. Daniel Watson stopped § 87(2)(b) and § 87(2)(b) | |
| J.POM Anthony Chow | Abuse: On an unknown date in February 2014, at 86th Street and Bay 17th Street in Brooklyn, PO Anthony Chow searched § 87(2)(b)'s car. | |
| K.SGT Daniel Watson | Abuse: On an unknown date in February 2014, at 86th Street and Bay 17th Street in Brooklyn, Sgt. Daniel Watson searched § 87(2)(b) | |
| L.POM Anthony Chow | Discourtesy: On an unknown date in February 2014, at 86th Street and Bay 17th Street in Brooklyn, PO Anthony Chow spoke discourteously to § 87(2)(b) | |
| § 87(4-b) § 87(2)(g) | | |
| NOT RESPONSIVE | | |
| § 87(4-b) § 87(2)(g) | | |

Case Summary

On January 22, 2014, at 12:30 p.m., PO Andrew Chow, PO Louis Capobianco, and Sgt. Daniel Watson of the 62nd Precinct approached § 87(2)(b) in his driveway at § 87(2)(b) § 87(2)(b) in Brooklyn, after § 87(2)(b) was standing on the hood of his car. PO Chow allegedly searched § 87(2)(b) (**Allegation A**). Sgt. Watson allegedly stopped § 87(2)(b) who was in a vehicle in § 87(2)(b)'s driveway (**Allegation B**). When § 87(2)(b) asked what was going on, Sgt. Watson and PO Capobianco allegedly told him to “shut the fuck up” (**Allegations C and D**). Sgt. Watson allegedly frisked and searched § 87(2)(b) (**Allegations E and F**). Sgt. Watson allegedly searched § 87(2)(b)'s car (**Allegation G**). § 87(2)(b) was issued a summons for § 87(2)(b) for allegedly jumping on a car and yelling (encl. 9). PO Capobianco allegedly threw the summons at § 87(2)(b) (**Allegation H**).

§ 87(2)(b) and § 87(2)(b) alleged that, on an unknown date in February 2014 (see *Potential Issues* regarding identifying the date of occurrence), in the vicinity of 86th Street and Bay 17th Street in Brooklyn, they were stopped by Sgt. Watson and PO Chow while fixing § 87(2)(b)'s car (**Allegation I**). PO Yekaterina Sverdlna of the 62nd Precinct was present at some point during the incident. § 87(2)(b) alleged that PO Chow searched him and his car (**Allegations A and J**). § 87(2)(b) alleged that Sgt. Watson searched him (**Allegation K**) (complaint encl. 5A-C; CCRB testimony encl. 6A-F). § 87(2)(b) also alleged that PO Chow and Sgt. Watson told passing officers that § 87(2)(b) was an “asshole” who filed a lawsuit against an officer (**Allegations C and L**). No summonses were issued and no one was arrested. § 87(4-b) § 87(2)(g)

Mediation, Notice of Claim, and Criminal Histories

This case was not eligible for mediation because § 87(2)(b) was incarcerated for an unrelated incident § 87(2)(b). A Notice of Claim inquiry is pending with the Comptroller's Office (encl. 25). A warrant was ordered for § 87(2)(b) when he missed an April 2014 court date for the summons (encl. 24A-C). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. 3A-B).
- PO Chow has been a member of the service for seven years and there are no substantiated CCRB allegations against him (encl. 2A).
- Sgt. Watson has been a member of the service for eight years and there are no substantiated CCRB allegations against him (encl. 2B).
- PO Capobianco has been a member of the service for four years and there are no substantiated CCRB allegations against him (encl. 2C). This is the first complaint against PO Capobianco.
- PO Sverdlna has been a member of the service for six years and there are no substantiated CCRB allegations against her (encl. 2D). This is the first complaint involving PO Sverdlna.

Potential Issues

The investigation was unable to determine the date of the second incident. § 87(2)(b) provided the second date as February 13, 2014, and Management Information Services Division

(MISD) and New York State Troopers documentation (encl. 19A-Y; 23A-G) showed February 25, 2014, as a date on which § 87(2)(b)'s identification was searched; however, officer memo books (encl. 8A-D; 12A-E; 16A-B) and Roll Call (encl. 21A-J; 22A-J) indicate that neither of these are the day of occurrence. No officers recorded the second incident in their memo books.

Findings and Recommendations

Explanation of Subject Officer Identification

- Sgt. Watson, PO Chow, and PO Capobianco admitted to being on the scene of the first incident. § 87(2)(b) differentiated the officers based on their descriptions – PO Chow was the Asian male, PO Capobianco was the white male with a silver shield, and Sgt. Watson was the white male with a gold shield. § 87(2)(b) identified Sgt. Watson as the officer who interacted with § 87(2)(b) during the second incident. § 87(2)(g)

Investigation Findings and Recommendations

Allegations Not Pleaded

§ 87(2)(g)

Allegation A – Abuse of Authority: On January 22, 2014, at § 87(2)(b) in Brooklyn, and on an unknown date in February 2014, at 86th Street and Bay 17th Street in Brooklyn, PO Andrew Chow searched § 87(2)(b)

Allegation C – Discourtesy: On January 22, 2014, at § 87(2)(b) in Brooklyn, and on an unknown date in February 2014, at 86th Street and Bay 17th Street in Brooklyn, Sgt. Daniel Watson spoke discourteously to § 87(2)(b)

Allegation D – Discourtesy: On January 22, 2014, at § 87(2)(b) in Brooklyn, PO Louis Capobianco spoke discourteously to § 87(2)(b)

Allegation G – Abuse of Authority: On January 22, 2014, at § 87(2)(b) in Brooklyn, Sgt. Daniel Watson searched § 87(2)(b)'s car.

Allegation H – Discourtesy: On January 22, 2014, at § 87(2)(b) in Brooklyn, PO Louis Capobianco acted discourteously to § 87(2)(b)

Allegation I – Abuse of Authority: On an unknown date in February 2014, at 86th Street and Bay 17th Street in Brooklyn, Sgt. Daniel Watson stopped § 87(2)(b) and § 87(2)(b)

Allegation J – Abuse of Authority: On an unknown date in February 2014, at 86th Street and Bay 17th Street in Brooklyn, PO Andrew Chow searched § 87(2)(b)'s car.

Allegation L – Discourtesy: On an unknown date in February 2014, at 86th Street and Bay 17th Street in Brooklyn, PO Andrew Chow spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged that on January 22, 2014, after he was stopped, PO Chow immediately searched him and removed items from his pockets (encl. 6A-F). § 87(2)(b) also alleged that Sgt. Watson and PO Capobianco told him to “shut the fuck up.” PO Capobianco alleged threw a § 87(2)(b) summons at him instead of handing it to him. § 87(2)(b) and § 87(2)(b) did not cooperate with the investigation (encl. 7).

§ 87(2)(b) also alleged that on an unknown date in February 2014, he and § 87(2)(b) were outside of his car when they were approached by Sgt. Watson and PO Chow; PO Sverdlin was present and later asked for his identification. He alleged that PO Chow searched him and his

car. § 87(2)(b) also alleged that PO Chow and Sgt. Watson told officers who were passing by that he was “the asshole” who filed a lawsuit against an officer. § 87(2)(b) however, stated that PO Sverdlna pulled them over and they were both then searched by three male officers (encl. 5A-C). Though § 87(2)(b) stated that § 87(2)(b) was present, § 87(2)(b) stated that she was not.

PO Chow, Sgt. Watson, and PO Capobianco denied taking any of these actions or seeing or hearing the others do so (encl. 11A-C; 13A-C; 15A-B). PO Sverdlna stated that during the second incident she did not see Sgt. Watson or any other officer frisk or search § 87(2)(b) but that she left the scene while § 87(2)(b) was still talking to Sgt. Watson and another officer outside of the car (encl. 17A-B). PO Chow testified about the first incident at § 87(2)(b)'s parole revocation hearing on § 87(2)(b), but was not asked about the second incident and did not testify about it; at the time of the CCRB interview, he did not recall interacting with § 87(2)(b) a second time (encl. 10A-OO).

§ 87(2)(g)

Allegation B – Abuse of Authority: On January 22, 2014, at § 87(2)(b) in Brooklyn, Sgt. Daniel Watson stopped § 87(2)(b)

Allegation E – Abuse of Authority: On January 22, 2014, at § 87(2)(b) in Brooklyn, Sgt. Daniel Watson frisked § 87(2)(b)

Allegation F – Abuse of Authority: On January 22, 2014, at § 87(2)(b) in Brooklyn, Sgt. Daniel Watson searched § 87(2)(b)

Allegation K – Abuse of Authority: On an unknown date in February 2014, at 86th Street and Bay 17th Street in Brooklyn, Sgt. Daniel Watson searched § 87(2)(b)

§ 87(2)(b) alleged that he was stopped and searched on both dates and § 87(2)(b) alleged that § 87(2)(b) was frisked on the first date. On March 27, 2014, § 87(2)(b) withdrew his complaint (encl. 7). § 87(2)(g)

§ 87(4-b) § 87(2)(g)

Team: 1

Investigator: _____ Jacqueline Levy _____
Signature Print Date

Supervisor: _____ _____ _____
Title/Signature Print Date

Reviewer: _____ _____ _____
Title/Signature Print Date

Reviewer: _____ _____ _____
Title/Signature Print Date